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8 THE FEDERAL RESERVE BANK OF SAN
FRANCISCO

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11

12 LAI SIM LAI, individually and by and
13 through her Guardian ad Litem, ERIC
LAI,

14 Plaintiff,

15 v.

16 THE FEDERAL RESERVE BANK OF
17 SAN FRANCISCO, THE CITY AND
COUNTY OF SAN FRANCISCO and
18 DOES ONE through ONE HUNDRED,

19 Defendants.

20 AND RELATED CROSS-ACTIONS.
21

Case No. 3:14-cv-04443 RS

~~PROPOSED~~ **[PROPOSED ORDER] AND
STIPULATION TO FILE FIRST
AMENDED CROSS-CLAIM**

Action Filed: August 10, 2014

22 On March 13, 2015, the Court entered an Order allowing Federal Reserve Bank of San
23 Francisco to file an Amended Cross-claim pursuant to stipulation (Document 23). However, the
24 Stipulation filed in support of this Order included an incorrect version of the Federal Reserve
25 Bank of San Francisco's First Amended Cross-claim. Therefore, the parties submit the following
26 Stipulation to file a First Amended Cross-claim, which attaches the correct version of the First
27 Amended Cross-claim as Exhibit "A".

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CH453/1998570-1

The Parties, by and through their counsel of record, hereby agree as follows:

Whereas, on October 2, 2014, Defendant and Cross-complainant THE FEDERAL RESERVE BANK OF SAN FRANCISCO, (hereinafter “Federal Reserve Bank”) filed a Cross-complaint in the Superior Court of the State of California, County of San Francisco, Civil Case No. CGC-14-541259, against THE CITY AND COUNTY OF SAN FRANCISCO (hereinafter “CCSF”) and ROES 1-50 for equitable indemnity, implied indemnity, contribution and apportionment, and declaratory relief;

Whereas, on October 3, 2014, Defendant and Cross-complainant Federal Reserve Bank filed a Notice of Removal of Removal of Civil Action from the Superior Court of the State of California, County of San Francisco, Civil Case No. CGC-14-541259;

Whereas, on October 30, 2014, CCSF filed an answer to the Cross-complaint of Federal Reserve Bank containing an affirmative defense for failure to comply with the Tort Claims Act, at Government Code section 810, et seq., and 905, et seq.

Whereas, on October 30, 2014, CCSF also filed a Cross-claim against Federal Reserve Bank for equitable contribution and indemnification and declaratory relief.

Whereas, on or about January 9, 2015, Federal Reserve Bank filed a written Claim for Damages with CCSF with respect to the injuries alleged by Plaintiff that are the subject of the operative Complaint, in accordance with the appropriate sections of the California Government Code, including but not limited to section 945.4;

Whereas, on January 13, 2015, CCSF rejected Federal Reserve Bank’s Claim for Damages in writing.

To avoid unnecessary law and motion practice, the Parties herein, by and through their counsel of record, hereby stipulate as follows:

1. Defendant and Cross-claimant Federal Reserve Bank may file a First Amended Cross-claim hereinafter “FAC”) against CCSF without having to file a motion with the Court for leave to amend the Cross-claim.

2. Federal Reserve Bank’s FAC may include an allegation that the Cross-complainant, Federal Reserve Bank, provided written Notice of a Claim for Damages to CCSF on CH453/1998570-1

January 9, 2015, in compliance with the notice requirements of California's Tort Claim Act, including but not limited to those set forth at Government Code section 945, et seq.

3. Federal Reserve Bank's FAC may include an allegation that CCSF rejected its Claim for Damages in writing on January 13, 2015.

4. Federal Reserve Bank's FAC may include an allegation that its amended Cross-claim against CCSF was timely filed within the provisions of the California Government Code, including but not limited to section 945.6

5. Federal Reserve Bank's proposed FAC with is attached hereto as Exhibit A.

6. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed to have been filed on the date when the Order is granted.

7. The Parties stipulate that Federal Reserve Bank's FAC shall be deemed served on the date when all Parties are served with the Court's signed Order.

8. Finally, the Parties stipulate that Cross-defendant CCSF shall have 30 days after service (as defined in the preceding paragraph) to file a responsive pleading to Federal Reserve Bank's FAC.

IT IS SO STIPULATED:

Dated: March 18, 2015

WALKUP, MELODIA, KELLY & SCHOENBERGER

/s/ Spencer J. Pahlke

RICHARD H. SCHOENBERGER

SPENCER J. PAHLKE

Attorneys for Plaintiff

Dated: March 18, 2015

ARCHER NORRIS

/s/ Chad D. Greeson

CHAD D. GREESON

Attorneys for Defendant The Federal Reserve Bank of San Francisco

1 Dated: March 18, 2015

SAN FRANCISCO CITY ATTORNEY'S OFFICE

2
3 /s/ David Delbon

4 DAVID DELBON

Attorneys for Defendant City and County of San
Francisco

5
6 **IT IS SO ORDERED:**

7 Date: 3/19/15

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Judge of U.S. District Court